

Oregon Department of Agriculture Program Reports
Prepared for: State Board of Agriculture
Meeting date: February 2, 2022

Food Safety and Animal Health & ID Programs

Rusty Rock, Interim Program Director, rusty.rock@oda.oregon.gov; 503-986-6464

• **Food Safety Routine Inspections**

- Food Safety program staff have returned to more normalized inspection practices. The number of Inspections overdue by 90 days that accumulated during the pandemic shutdown have trended down from a peak of 4,943 in July to the current 4,543. Our staff objective is to pace our return to ensure long term program stability. Food Safety staff are continuing to work through our 'fees due' list of firms to differentiate between firms that are out-of-business or have licensing fees in arrears.

• **Retail and Manufactured Foods**

- We have negotiated with the FDA to conduct the same number of contracted inspections as last year. The FDA has restarted their auditing program and the ODA will comply by auditing our staff while conducting FDA contract inspections. Cross-training of staff on Preventive Control inspections will resume on a predetermined schedule throughout the contract year. We received limited seats (five) for enrolling ODA Food Safety staff members into the Preventive Controls for Regulators course. After 2022 we will have approximately 30 (of 36) staff members will have taken the course.

• **Dairy Program**

- We are currently in our 8th 90-day Emergency Consideration waiver from the FDA, which ends December 15, 2021. As with previous 90-day requests our dairy program has been able to keep up with all routine inspections, sampling, including State Rating and Federal Check Rating inspections while following COVID safety precautions. Due to the new COVID-19 Omicron variant, which might bring renewed COVID-19 restrictions, we will request an 9th 90-day Emergency Consideration waiver from the FDA for leniency to not only miss dairy plant laboratory evaluations but also all other PMO obligations.

• **Shellfish Program**

- ODA's marine biotoxin Domoic Acid (DA) levels for all the zones (A through L) in Oregon's coastal waters. This year's commercial crab season was able to open on December 1. High levels will trigger the issuance of an evisceration order for crab processors.

• **State Meat Inspection**

- A draft copy of the new State Meat Program rules has been completed and was submitted to the USDA FSIS for approval at the beginning of November. Work is continuing in the development of policies and processes to support the rules, much of which are being borrowed from other state programs or directly from the USDA. Upon receipt of approval from the USDA our ODA staff will gain access to the training programs offered by the USDA.

• **Animal Health**

- The program is continuing developing a program-specific implementation of the agency's strategic plan to guide the Animal Health program's improvements and growth over the next several years. This planning has been recognized by USDA through funding of a pilot program to conduct surveillance for SARS-CoV-2 in mink (one of only three states asked to participate), as well as the full funding of three separate grants through the National Animal Disease Preparedness and Response Program (NADPRP) that will allow Oregon to expand current disease response plans and infrastructure to prepare for future disease threats. Dr. Erin Lane was hired as the new District Veterinarian in Southern Oregon.

• **Lab Services Update**

- The lab completed their ISO/IEC 17025 review with no non-conformances found. USDA has reviewed the new State Meat Inspection Analytical SOPs and recommended minor updates. The lab will work to have ISO/IEC audit encompass the new procedures in the first quarter of 2022. The pesticide sample backlog has been eliminated.

Market Access & Certification Programs

Jess Paulson, Program Director; jess.paulson@oda.oregon.gov; 503-507-9313

• **Agricultural Development & Marketing**

- In 2021, the Oregon Legislature provided ODA with \$2 million to improve the capacity to process meat products in the state.
 - ODA published a rule (per statute) for rule on December 1, held public hearing on December 15, and collected public comment through December 22.
 - ODA has invited a dozen people from various backgrounds to serve on the Review Team, which will provide guidance for the Director's final selection for award.
 - ODA will publish the application, guidelines, and scoresheet to solicit applications in early February.
 - ODA will host a public webinar to answer questions about the application guidelines on February 11.
 - Applications are due to ODA by noon on Friday, March 18.
- ADMP has launched a new website that was developed with USDA Specialty Crop Block Grant funding called the Oregon Food & Beverage Maker's Roadmap at <https://stage.oregon.gov/odaroadmap/Pages/default.aspx>
 - The Roadmap directs visits to existing resources from ODA and other partners that touch on issues from beginning a business to develop national and international distribution.
 - The Roadmap also houses the Oregon Harvest for Schools, which provides information for regions of that state on accessing school meal programs.
- ADMP has been working with the Good Food Foundation to bring a national retail food show to Portland in April 2022 named the Portland Mercantile. ADMP is working with the first class of the NASDA Foundation's Women Accelerator, which includes several Oregon food producers.
- ODA has appointed the temporary members of the new Oregon Hemp Commission. These members are responsible for determining the operating terms of the commission, such as composition of Commissioners, their terms, the collection of assessments, and how those funds will be used. The Hemp Commission rules must be established by September 25, 2022.
- Marketing activities were largely virtual in the fourth quarter of 2021, however, ADMP was able to lead Oregon wine to British Columbia (which recently opened retail to non-BC wines) and consumer products to Mexico City and Monterrey, Mexico.
 - ODA managed a virtual trade mission with South Korea for food companies. Oregon companies offering seafood, hemp seed products, frozen fruit, frozen vegetables, dried beans and hot sauce met with Korean buyers.
 - ODA managed a virtual trade mission with Japan for food and beverage companies selling in the foodservice sector. We scheduled meetings with buyers over 3 evenings (US time). Oregon seafood was introduced to Japanese seafood buyers.
 - ODA managed a hybrid trade mission with foodservice buyers in Taiwan. Buyers in Taiwan gathered and Western US companies joined remotely to present their products and answer questions. Oregon's seafood and frozen vegetables were introduced by Oregon companies and fruits from Oregon were introduced by companies from Washington.
 - ODA managed a Cheese Showcase and Tasting Event with Social Media Influencers in Singapore. This fully virtual event included Tillamook cheese and resulted in social media posts in Singapore touching 320,000 followers.

• **Certification Programs**

- The program is gearing up for the 2022 season and audits have already begin. The program continues to increase the number of auditors around the state to assist with high demand for audits and to reduce costs to customers. Currently, the program has over 270 clients, an increase from 2020 and is busy in all districts. Both GAP and Organic programs saw an increase in customers in 2021. Protocols were developed to conduct audits during the COVID-19 pandemic and service has not been interrupted. Applicants received the same level of service as pre-pandemic.

• **Produce Safety**

- The FDA recently released the proposed rule, "Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption Relating to Agricultural Water". This proposed rule would update Subpart E of the FSMA Produce Safety Rule.
- The FDA is holding two listening sessions for the proposed rule in February.
- The program continues to teach classes, provide technical assistance, and compile the farm inventory. Classes continue to be taught remotely due to the COVID-19 pandemic.

- **Plant Health Program**

- The Plant Health program completed nearly 13,000 tests for seed lots destined for export in 2021, an increase of ~13.4% compared to 2020. This increase is likely attributable to two things: 1) an overall increase in nematode testing requests due to changes in import requirements in both China and South Korea in 2021 and 2) repeated Pest & Disease inspections because of shipping and transportation issues.
- The Plant Health program continues to develop certification programs for virus-tested Oregon nursery stock. 2021 saw the successful launch of the blueberry certification program as well as the finalization of standards for strawberry. In 2022, the program will continue to work closely with the grapevine and wine industries to update the Grapevine Certification program rule.
- The Plant Health program surveyed 17 unique nurseries for the presence of the Sudden Oak Death pathogen, *Phytophthora ramorum*, and tested 3,110 samples.

- **Seed Regulatory Program**

The Seed program plans to update two rules in 2022:

- Sod Quality Rules (OAR 603-056-0130 to 0145) – tags are issued for seed that meets sod quality standards. The goal of the rulemaking is to update and harmonize standards with Washington and Idaho and allow for the issuance of interagency tags.
- Price Negotiation Rules (OAR 603-076-0005 to 00160 – ODA supervises price negotiations for grass seed kinds. The goal of the rulemaking is to update and clarify the process to better meet participant needs and improve negotiations for all parties.

- **Shipping Point Inspection**

- Increases in COVID-19 case numbers are impacting the produce industry and the shortage of labor continues to be a challenge for both the industry and the shipping point program. Rising case numbers continue to be a challenge
- Transportation is also an issue for many commodities, including produce, grass seed, and hay/straw.
- With planting just around the corner, there are concerns about irrigation water availability.

- **Smoke Management Program:** The program is preparing for the 2022 season.

- **Weights and Measures Program**

- Last year weights and measures completed approximately 40,000 device inspections out of a caseload of about 64,000. This is 84% of our five-year average prior to COVID which was about 52,000 devices annually. Our compliance rate was 91.5% for the year which is consistent with pre-covid years where compliance rates ran from 91% to 92%.
- The program is seeing a sizable turnover in staff over the next few years. Currently 2 vacancies were carried over through 2020 in anticipation of budget changes due to COVID. One of our newer inspectors resigned late 2021 and another retired at the end of the year leaving us 4 position to fill. We are currently recruiting to fill 3 of those positions (2 in Portland, 1 in Salem). We will begin recruiting a 4th in The Dalles, OR soon after filling those. Looking forward, 2 of our 4 most experienced inspectors based in eastern Oregon will retire mid 2022 which will ultimately have us training 6 new inspectors out of a staff of 21 over the next year.
- **Metrology Lab**
In 2021 the metrology lab billed out \$89,719 up a bit from the average of \$81,987
The lab calibrated 3,891 pieces (the majority of the labs work is calibrating scale testing weights and meter proving equipment) up slightly from an average of 3,865.

Of note, we are finalizing a 5-year price agreement with Mettler-Toledo to purchase precision weighing equipment for the metrology labs. The lab is currently operating several instruments which are 20 years old.

- **Motor Fuel Quality Program**

Weights and Measures inspectors checked 3,316 fuel storage tanks for water and documented water in excess of 1" in 17 of them. 1,327 gasoline samples were screened for octane, and all were found to be consistent with the octane posting on the fuel dispensers.\

In the last legislative session HB3051 passed revising the ethanol blending mandate in Oregon to allow for the sale of higher ethanol blends of gasoline. The motor fuel quality program finalized rules covering quality, advertising, labeling, and bills of lading for E15 which became effective Jan 1, 2022.

- **County of Origin Labeling Program (COOL)**

The COOL program completed 25 retail reviews at grocery stores statewide to verify compliance with federal country of origin labeling requirements for various, meats, fish, shellfish, fruits, vegetables, and nuts. USDA AMS reimbursed the program \$15,000 for review activities this year.

Natural Resource Programs

Isaak Stapleton, Program Director; isaak.stapleton@oda.oregon.gov; 503-986-4713

The following updates are organized by operating process in our management system and cover all NRPA programs. In addition to the updates below, one more important activity involves filling a variety of vacant positions in the program area with limited duration and/or permanent staff. This will continue to be a major focus for all programs for the remainder of the biennium and we are excited to be able to bring on these staff.

- **Fostering collaboration**

- The Agricultural Water Quality Program (AGWQP) program is moving forward on recruiting 5 positions, of which one is new from the 2021 Legislature. Interviews will be held soon for a Soil and Water Conservation District team lead position. Requirements will also begin soon for a Strategic Implementation Area (SIA) Specialist (new position) and 3 Regional Water Quality Specialists. In addition, ODA will be seeking advice from the Soil and Water Conservation Commission at its February meeting on strategies for spending \$650,000 from the 2021 legislature targeted for local technical assistance to support the SIA initiative.
- A priority for 2022 will be to update the ODA-DEQ Interagency Agreement. This agreement establishes roles and responsibilities for how the two agencies collaborate in meeting state water quality standards and Total Maximum Daily Load (TMDL) allocations and implementation. The two agencies will meet soon to discuss how to initiate this update.
- The Pesticides Program worked closely with Oregon State University to create a bulletin for schools about the pest emergency provision of the school Integrated Pest Management law. This bulletin was published and distributed broadly e.g., distributed to pesticide applicators, School IPM Coordinators, etc.) in addition to being posted on ODA and OSU websites. The goal of the bulletin is to increase schools' understanding and compliance with this provision of the law. Furthermore, ODA, OSU, and ODE all met in December to discuss ideas for the 2022 OSU school IPM coordinator trainings and any other potential collaborative outreach ideas relating to the school IPM law.

- **Permits, Registrations, and Notifications**

- The Agricultural Channel Drainage Maintenance (ACDM) Program is initiating rulemaking to enact authority granted by the 2021 legislature to phase in the program across the state. Phasing in the program will support education and outreach to targeted regions and allow adaptive management as new environmental conditions are encountered.
- The Confined Animal Feeding Operation (CAFO) is currently processing several permits. CAFO (National Pollutant Discharge Elimination System) NPDES General Permit response to comments with DEQ continues. Several CAFO NPDES Individual Permit under development. Next CAFO Individual Permit up for Notice is Sunset Canyon Jerseys.
- The Fertilizer Program continue to perform inspections, registrations, registration renewals and product sampling. 2021 calendar year product count set a new record at 12,816 products registered.

- **Providing Compliance and Technical Assistance**

- The Clackamas Subbasin Agricultural Water Quality Management Area Plan will be the first to include updated Willamette Basin Mercury Total Maximum Daily Load provisions (TMDL - a basin-wide water quality plan for mercury): a local advisory committee meeting was held in January to seek their advice on this and other water quality issues in the basin. The strategy is to integrate mercury TMDL elements across all area plans within the Willamette basin as full plan updates occur. Stakeholders were also updated and asked to provide feedback on the draft structure and strategies for the larger ODA mercury TMDL implementation plan.
- During this Winter, Pesticide Compliance Program staff have been conducting a number of presentations at re-certification classes to help promote compliance to a wide variety of audiences. Also, during the 2022 calendar year, Pesticide Compliance Program staff plan to attend and present at each of the ten 2022 OSU School IPM trainings.

- **Conducting Inspections, Investigations & Enforcement**

- The AGWQP will be moving forward with rulemaking on Division 90 and 95 updates. The rules need to be updated for two reasons: 1) inconsistencies between Statutes and Rules and 2) Definitions refer to other Statutes or Rules that have been renumbered and are no longer valid. Stakeholders and tribes have been informed of this and the ACDM rulemaking plans.
- The Pesticides Program has investigated several complaints this year regarding possible violations of Oregon's school integrated pest management (IPM) law and this work has continued into the Winter. Also,

on January 14 the Pesticides Compliance Program issued an advisory along with a stop sale, use or removal order for a product being marketed as organic and labeled as a 25(b) “minimum risk pesticide” but was found to contain glyphosate, permethrin and bifenthrin. These ingredients were not on the label, and they are not allowed in organic production.

- The Confined Animal Feeding Operation (CAFO) continues to perform inspections of permitted facilities.
- **Providing Customer Support and Resolving Inquiries**
 - The AGWQP met with members of the Klamath Tribe council and staff to update them on program implementation in the Klamath basin. Information was exchanged on a number of topics, from compliance cases to monitoring and local SIA implementation. The AGWQP and the Klamath Tribe are planning to meet regularly to build and improve on information exchange on agricultural water quality issues in the basin.

Plant Protection & Conservation Programs

Chris Benemann, Interim Program Director; chris.benemann@oda.oregon.gov; 503-986-4636

- **Insect Pest Prevention and Management Program (IPPM)**
 - SB 5561 included \$5million for assistance Oregon landowners to suppress native grasshoppers and Mormon crickets in 2022. These funds allowed for the establishment of a grasshopper program that was not previously funded to meet the level of need. Funds are being allotted towards bringing on additional staff and resources to support a cost share program. The goal is to financially assist landowners in carrying out early treatment plans, as prescribed by ODA.
 - Onboarding of seasonal staff has begun in preparation of the upcoming field season. Seasonals are crucial for the program to extend its operations into all parts of the states to carry out trapping and survey work.
- **Noxious Weed Control Program**
 - All program staff have transitioned back into the Weed Program. Staff have implemented priority federal, and state noxious weed projects and seasonal staff have been termed for the season.
 - The legislature approved a onetime fund increase of \$450,000 for the Weed Program for the new 21-23 biennium. These general funds will be awarded through a grant program that will fund projects focused on early detection and rapid response, aquatic/riparian weeds for water resource protection, as well as projects that assist in wildfire restoration.
 - The grant announcement packet, as part of the Request for Proposals, is currently being translated into Spanish to increase opportunity to apply for the funds to a wider audience.
 - Program staff are nearly complete assembling their annual report, which highlights and summarizes their program outcomes over 2021 and provided to both funding sources and stakeholders.
- **Nursery and Christmas Tree Program**
 - For the first time in over a year, the program is fully staffed with 10 inspectors, a program lead, and manager.
 - The *Phytophthora ramorum* Program has continued performing inspections over the winter in response to a confirmed positive nursery. There are currently four interstate shippers in the program. ODA was represented in a cross functional working group, involving regulators from across the country (federal and state) to review and discuss the programs policy.
 - The boxwood blight cleanliness program is under review, to update the programs procedures and inspection policies in efforts to streamline program implementation across program participants and bolster education on scouting techniques.
 - Summaries of our pest quarantines are being updated prior to the start of shipping season. These summaries are made available through the National Plant Board and the ODA website. Part of the programs mission is to provide clear guidance on shipping requirements to prevent the introduction of unwanted pests and maintain Oregon's reputation of producing high-quality nursery stock.
- **Hemp Program**
 - In the summer of 2021, the Hemp Program was part of a multi-agency operation (Operation Table Rock) to inspect all registered hemp grow sites and deter illegal marijuana production. The Program will soon release a 2-page informational sheet summarizing the outcomes of that project, including testing results.
 - Implementation of the online license renewal process is proving to be effective and has increased program efficiencies. Registration staff are starting to review them now. Historically processing license renewals has created a significant bottleneck for administrative staff.
 - First rule changes to be USDA compliant have been adopted and were permanently filed on December 29, 2021 and were fully effective as of January 1, 2022.

- **Native Plant Conservation Program**
 - The funds awarded during the last legislative session have allowed for the recruitment to open for two positions: adding a conservation biologist and technician. Addition of these roles will allow create room for the program to attend to its statutory mission to protect Oregon's threatened and endangered native plants through the evaluation of the state's list of threatened and endangered plant species. New staff are expected to onboard early March, bringing program staff up to 4 persons.
 - We continue our partnership with federal and state agencies to complete on-the-ground conservation and research projects that promote the recovery of Oregon's threatened and endangered plants. Reports for last years' work have been completed and shared with stakeholders.
 - A stakeholder advisory group of around 15 members has been recruited. The first meeting will be held in late February.
 - The program has been invited to participate in the Native Plant Society of Oregon board meeting (February 5th) to give updates on the program's new developments.
- **Oregon Invasive Species Council**
 - ODA and OISC continue to work on a MOU which will clearly define ODA's role as the fiscal agency for OISC. Since the December BOA meeting, ODA has met twice with the council to continue discussions. All key components of the MOU have been reviewed and we are close to having a complete draft.
 - The Public Affairs Council has been selected as the new coordinator for the OISC, a role formerly held by Samara Group.